

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD)
ANTITRUST LITIGATION) **Master File No. 2:13-CV-20000**
))
(MDL No. 2406)) This document relates to all cases.
))

APPLICATION OF JAMES M. TERRELL
FOR COMMITTEE POSITION – SUBSCRIBER CLASS

Pursuant to the Court's Order dated February 28, 2013 (Dkt. # 15), James M. Terrell of McCallum, Methvin & Terrell, P.C. respectfully submits this application for appointment to serve as Chair, Vice-Chair or as a member of one the committees for the Subscriber Class. In support of this application, Terrell states that his ability to work cooperatively with Lead Counsel and other counsel for subscribers, as well as his experience serving as Class Counsel in many class actions, warrants appointment to serve as a member of one of the committees for the Subscriber Class.

I. JAMES M. TERRELL SATISFIES THE REQUIREMENTS TO SERVE ON ONE OF THE SUBSCRIBER CLASS COMMITTEES

A. Willingness and ability to commit to a time consuming process.

James M. Terrell is counsel of record in the *Gaston v. Blue Cross & Blue Shield of Mississippi* action, and his firm is currently investigating additional actions to be filed against various Blue Cross and Blue Shield plans in other states. Terrell and the law firm of McCallum, Methvin & Terrell, P.C. have an extensive track record litigating complex, class actions in this District and throughout the United States. As a local attorney who regularly practices in the Northern District of Alabama, Terrell is familiar with the Local Rules of this Court and is very

familiar with many of the local attorneys who will likely be appointed to serve on the various committees in this litigation.

B. Professional Experience and ability to work cooperatively with others

As an active member of the Alabama State Bar and the American Bar Association, Terrell routinely demonstrates his ability to work cooperatively with others by serving in various leadership positions within both of these organizations. Furthermore, Terrell's nationwide practice allows him to frequently work cooperatively with attorneys located throughout the country. These experiences provide a unique opportunity to regularly interface with attorneys from varying geographical areas as well as diverse practice areas. Terrell regularly works cooperatively with these attorneys in developing solutions to issues raised in litigation or in developing and implementing strategic plans for these professional organizations.

Terrell has been appointed as Class Counsel in ten (10) class actions and has served in lesser capacities in several MDLs such as the *In re TFT-LCD Antitrust Litigation*, MDL No. 1827 (N.D.Cal), *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 (N.D.Cal.), *In re H & R Block Express IRA Marketing Litigation*, MDL No. 1786 (W.D.Mo.), *In re OSB Antitrust Litigation*, No. 06-826 (E.D.Pa.) and *In re Lipitor Antitrust Litigation*, MDL No. 2332 (D.N.J). In these MDLs, Terrell has competently performed all necessary tasks assigned to him. Further background about Terrell can be found in his biography (attached as Exhibit "A").

C. Access to sufficient resources to advance the litigation in a timely manner

Terrell is fully committed to devoting the time, labor and financial resources necessary for advancement of this litigation.

D. Appointment to Serve on Subscriber Class Committee

The undersigned counsel would feel privileged to serve in any capacity or role the Court deems appropriate. Candidly, the undersigned believes that he is best suited to serve on the State Liaison or Discovery committees and respectfully requests consideration to serve as the chair or vice-chair of the State Liaison committee.

II. DISCLOSURE OF ANY AND ALL AGREEMENTS AMONG THE APPLICANT AND ANY OTHER COUNSEL IN THESE CONSOLIDATED CASES.

Terrell has not reached any agreements regarding fee division, work assignment or other agreements among co-counsel or other counsel in the cases that make up this MDL.

For the reasons set out hereinabove, James M. Terrell respectfully requests appointment to serve on one of the Subscriber Class committees and appreciates the Court's consideration of this Application.

Respectfully submitted,

/s/ James M. Terrell
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of April, 2013, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

I further certify that on the 5th day of April, 2013, a copy of the foregoing notice was sent to Edgar C. Gentle, III by U.S. Mail, first class, postage prepaid.

/s/ James M. Terrell
OF COUNSEL